

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

STEVEN AVERY,

Plaintiff,

v.

Case No. 12-CV-192

**GERALD A. PAGEL, JOHN BYRNES,
GARY HEMAUER, CALUMET COUNTY,
and JOHN DOES,**

Defendants.

DECISION AND ORDER

Plaintiff has filed a request for voluntary dismissal. At this stage of the proceedings, plaintiff may voluntarily dismiss this case without a court order by filing a stipulation of dismissal signed by all parties who have appeared. Fed. R. Civ. P. 41(a)(1)(A). Alternatively, an action may be dismissed at plaintiff's request only by court order, on terms that the court considers proper. Fed. R. Civ. P. 41(a)(2). Defendants have no objection to voluntary dismissal as long as the dismissal is made with prejudice. They cite the fact that this lawsuit has been pending for over two and a half years and that they are in a position to achieve dismissal through summary judgment as rationale for dismissal with prejudice. Plaintiff is advised that dismissal with prejudice means that the ruling dismissing his claims is final barring any future action on the claims.

Under the circumstances, I will grant plaintiff until October 30, 2014, to respond to defendants' request that the voluntary dismissal is with prejudice or to withdraw his request for voluntary dismissal. If plaintiff fails to respond or withdraw his request by October 30, 2014, this case may be dismissed with prejudice.

THEREFORE, IT IS ORDERED that plaintiff may respond to defendants' request that voluntary dismissal is with prejudice, or plaintiff may withdraw his request for voluntary dismissal, on or before **October 30, 2014**. Failure to timely respond or withdraw may result in dismissal of this action with prejudice.

Dated at Milwaukee, Wisconsin, this 3rd day of October, 2014.

s/ Lynn Ademan

LYNN ADELMAN
District Judge